

REMARKS/ARGUMENTS

Applicants thank Examiner Hug for the helpful and courteous discussions of September 12, 2005 and October 4, 2005. During the discussion of October 4, 2005, the Examiner considered arguments in support of patentability with respect to the data previously submitted in a Declaration under 37 C.F.R. § 1.132 on January 3, 2005. The Examiner indicated that the submission of further data comparing Example No. 1 of the Declaration of January 3, 2005 with a similar cooking liquor (i.e., a cooking liquor having a polysulfide sulfur concentration of 8.1 g/l) however without any quinine, may help to demonstrate that the improvement associated by carrying out cooking with a cooking liquor having more than 8.1 g/l of a polysulfide sulfur in combination with a quinone is sufficient for rebutting the obviousness rejection of the Office Action of August 12, 2005.

Applicants submit herewith a further Declaration under 37 C.F.R. § 1.132. The Declaration provides additional Comparative Examples 3 and 4 and Example 2. The examples are taken from publication WO/77294 on which Tatsuya Andoh (the Declarant signing the present Declaration) is named as an inventor.

The Declaration shows that improvements in “yield of pulp” achieved for polysulfide sulfur above an amount of 8.1 g/l is more stable when the cooking liquor contains quinone in comparison to a cooking liquor that does not contain quinone.¹

As stated by the Declarant:

It is my opinion that the more stable and greater relative improvement in yield of pulp observed in the presence of a quinone when the polysulfide sulfur concentration is increased to an amount greater than 8.1 g/l, in comparison an improvement in yield of pulp when the polysulfide sulfur concentration is increased to an amount that is less than 8.1 g/l, in comparison to corresponding improvements

¹ The increase in yield of pulp for amounts of polysulfide sulfur greater than 8.1 g/l is measured relative to the increase in yield of pulp achieved when the amount of polysulfide sulfur is increased from 5.9 g/l to 8.1 g/l.

in the absence of quinone, would not be foreseen by those of skill in the art.

Applicants thus submit that the data of the Declaration submitted concurrently herewith demonstrates that a cooking liquor containing an amount of polysulfide sulfur of greater than 8.1 g/l and a quinone is improved in a manner that would not be foreseen by those of skill in the art. Namely, the improvement in yield of pulp is more stable (e.g., more linear) above amounts of polysulfide sulfur in the presence of quinone in comparison to the improvement in yield obtained by increasing polysulfide sulfur amounts over 8.1 g/l in the absence of quinone.

Applicants submit the data submitted herewith rebut the Office's assertion of obviousness, and respectfully request withdrawal of the rejection.

During the discussion of October 4, 2005, the Examiner indicated that it may be possible to bring the claims into condition for allowance by requiring that the alkaline cooking liquor is one that is produced by electrolysis of white or green liquor (e.g., include the limitation of Claim 13 in Claim 9). New Claims 35-52 are added. New independent Claim 35 includes the limitations of previous independent Claim 9 and dependent Claim 13. New independent Claim 45 includes the limitations of previous independent Claim 23 and dependent Claim 27.

Applicants submit that new Claims 35-52 are in condition for immediate allowance.


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